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GARVEY SCHUBERT PARRER

Please reply to LESLIE R SCHENCK
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April 9 2010

Karen L Peaceman
Associate Regional Counsel
U S EPA Region 5
77 West Jackson Blvd
Chicago, IL 60604-3590

Re Response to EPA's March 1 2010 Pre Removal Site Assessment Report in Regard to the
Reclamation Oil Superfund Site

Dear Ms Peaceman

I am writing on behalf of the Reclamation Oil Site (Site) Good Faith Offer Parties¹ (Group) in regard to the U S Environmental Protection Agency's (EPA) letter and Pre-Removal Site Assessment Report dated March 10 2010 (Report). We appreciate the effort that EPA put into the development of the Report and the opportunity to develop a better understanding of the technical issues present at the Site. Based on the Report we understand that EPA anticipates issuing an Action Memorandum for the Site to address existing contamination by proposing the removal of contaminated soil and its disposal offsite.

Although the Group has not yet conducted an in-depth technical review of the Report the Group desires to negotiate with EPA in good faith to attempt to reach a mutually acceptable agreement setting forth terms under which the Group members would conduct or fund an appropriate removal action at the Site.

However acknowledging the significant orphan share that has long been a factor at the Site – a factor that has been exacerbated recently by the unprecedented size and scope of the General Motors bankruptcy – we understand from our recent discussion with EPA that it has agreed to include a discussion about (a) a release of participating Group members from any future obligations related to this Site and (b) an appropriate orphan share as part of some combination of limited Site work and/or a release. Based upon our conversation earlier this week EPA indicated that it is willing to discuss these issues with the Group. Consequently, the Group would like to schedule a meeting with EPA at a mutually convenient time to begin discussions of these issues and a potential scope of work.

¹ The Reclamation Oil Site Good Faith Offer Parties are comprised of four members: Univar USA Inc (successor of Chemcentral) Ford Motor Co BorgWarner Inc and SPX Corp.

↳ EPA cannot put an order against Ford

100% of Work
if we release them of
future liability

* DOJ would have to
approve

Additional Off-Site Investigation



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So that we can move this process forward, we request that EPA propose potential meeting dates during the first and second weeks of May. In the meantime, we are available to answer any questions you might have. We look forward to hearing from you.

Regards,

GARVEY SCHUBERT BARER

By 

Leslie R. Schenck
Attorney for Univar USA Inc

LRS km